

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WAYNE THOMAS,

Plaintiff,

v.

ORDER

UNITED STATES OF  
AMERICA,

20-cv-400-wmc

Defendant.

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*Pro se* plaintiff Wayne Thomas is proceeding on a medical negligence claim under the Federal Tort Claims Act against defendant the United States of America. (Dkt. #12.) He was incarcerated at FCI Oxford when he filed this lawsuit, but has since been released. On December 8, 2022, the court held a telephonic preliminary pretrial conference. (Dkt. #19.) Because Thomas stated that he would soon be able to retain counsel, the court postponed the conference until January 18, 2023, to give him time to do so. (*Id.*) But no attorney entered an appearance, and Thomas did not participate in the January 18 conference and could not be reached by telephone when the court called him. (Dkt. #20.) Therefore, the court ordered Thomas to submit written confirmation by February 1, 2023, that he still wished to pursue this lawsuit. (*Id.*) The court cautioned Thomas that the failure to do so would cause the court to dismiss the case with prejudice for failure to prosecute. (*Id.*) To date, Thomas has not contacted the court. Accordingly, the court will dismiss the case.

ORDER

IT IS ORDERED that:

- 1) This case is DISMISSED with prejudice for failure to prosecute.
- 2) The clerk of court is directed to enter judgment, close this case, and send plaintiff a copy of this order and the judgment.

Entered this 6th day of February, 2023.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge